

REMARKS

In an Official Action date June 13, 2006, the Examiner rejected the pending claims as anticipated by U.S. Patent Nos. 5,778,677 and 6,569,115. However, as discussed further below, neither of the patents are properly cited as prior art because the present application claims priority to both patents, and the priority claim is proper. Accordingly, Applicants request that the Examiner reconsider the rejection of the claims.

In the Official Action, the Examiner contended that the present application is not entitled to the priority back to all of the cited applications because there was no co-pendency between U.S. application no. 08/922,905 (issued as 6,123,688) and 09/170,182. The Examiner's contention appears to be that there was no co-pendency between the two applications because 08/922,905 issued on Sept. 26, 2000 and 09/170,182 was filed on that same day. As discussed previously with the Examiner, under MPEP §201.11, the co-pendency requirement is met if the later-filed application is filed the same day that the parent application issues as a patent. Specifically, MPEP §201.11 Part II B entitled Claiming the Benefit of Non-Provisional Applications-Copendency, states:

If the prior application issues as a patent, it is sufficient for the later-filed application to be copending with it if the later-filed application is filed on the same date, or before the date that the patent issues on the prior

application.


Accordingly, Applicants are entitled to the priority claim set forth in the present application. Therefore, Applicants requests that the Examiner reconsider the rejection based on U.S. Patent Nos. 5,778,677 and 6,569,115, which are not prior art relative to the pending claims.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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By

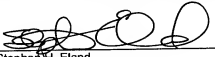

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Petition for Extension Under 37 CFR §1.136(a)

Applicant's undersigned Attorney hereby petitions for an extension of time of ONE month beyond the time period set in the last office communication. The proper fee is enclosed as identified in the enclosed Fee Transmittal form.

September 25, 2006
Date of Certificate


Stephen H. Eland
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